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SUBJECT: APPROVAL OF VIETNAM'S DOMESTIC VIOLENCE LAW POSITIVE, BUT CONCERNS REMAIN

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¶11. (SBU) Summary: On November 21, 2007, the GVN National Assembly passed the long-awaited Law on Domestic Violence, aimed at preventing and punishing acts of domestic violence. Domestic violence continues to be prevalent in Vietnam, particularly in remote and rural areas. The passage of the Law received much attention and many positive comments from various government agencies. However, several of our GVN contacts, including National Assembly deputies, non-governmental organizations (NGOs), and common citizens, expressed reservations about issues including the lenient punishments laid out in the Law, implementation, and the unclear delineation of responsibilities of GVN agencies. End Summary.

The Law's Nuts and Bolts

¶12. (SBU) On November 21, 2007, the GVN National Assembly passed the Law on Domestic Violence with almost 89 percent of the votes in favor. Drafted by the National Assembly's Committee for Social Affairs (NACSA), a large number of government agencies and NGOs provided comment on the law prior to its passage. The Law defines domestic violence acts, spells out how the Law applies, specifies principles and measures for prevention and control, and delineates the roles and responsibilities of different government offices (including the Ministries of Culture, Sports and Tourism; Labor; Public Security; Education and Training; the Courts; the Vietnam Fatherland Front; and the Vietnam Women's Union) in educating, disseminating and implementing the Law. Some punishments for those who commit acts of domestic violence are also codified in the Law.

State's Commitments to CEDAW

¶13. (SBU) In talking to PolOff about the Law's passage, Nguyen Hoang Mai of NACSA emphasized that the approval of the law demonstrated Vietnam's commitment to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which Vietnam signed in 1980 and ratified in 1981. "Having such a law is necessary for Vietnam because it expresses the State's policy on respecting and caring for women's benefits in general and women's issues in particular. Domestic violence is not solely a particular family's issue but a whole society's. It is an illegal act violating human rights and that is why domestic violence victims need to be protected and supported, and those committing violent acts need to be dealt with in accordance with the law." The Vietnam Women's Union, which assisted in drafting the law, also reacted very positively to the Law's approval.

Limitations of the Law

¶14. (SBU) Conversely, several NGOs expressed doubt regarding the effective implementation of the Law. To Kim Lien, program manager of The Asia Foundation, commented that while some forms of punishments (including disciplinary warnings, cash fines, and/or administrative punishment) are specified in the law, these punishments are not serious enough to prevent violent acts. She added that some cases of domestic violence are more appropriately dealt with in accordance with the existing Criminal Code.

¶15. (SBU) Tran Hong Diep, Vice Director of local NGO CSAGA, which operates a center for women and children abuse victims, noted that the law does not mention the need to establish shelters for victims of domestic violence. Shelters are extremely important for victims in crisis, and the common practice in Vietnam of using local medical establishments as shelters is not appropriate, she said. She also noted that the role of the local police, very important in domestic violence cases, is not clearly defined in the legislation.

¶16. (SBU) According to Dr. Vuong Thi Hanh, Director of local NGO CEPEW (Center for Education Promotion and Empowerment of Women), the Law depends too much on the Women's Union and the Vietnam Fatherland Front, both mass organizations, for its implementation at local levels. He doubted that these organizations would be able to produce the expected results as they are "operationally weak" in many areas of the country. He added that the Women's Union does not have a strong voice and the Fatherland Front primarily focuses on propaganda activities for the Communist Party.

¶17. (SBU) Duong Trung Quoc, a National Assembly deputy known for his outspokenness, commented that a number of the National Assembly deputies are still concerned over the law's implementation and enforcement as it does not clearly define the responsibilities of the different ministries and agencies. Further, assigning the Ministry of Culture, Sport, and Tourism as the lead agency in coordinating with other ministries does not seem an appropriate or

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effective method of implementation.

Comment

¶18. (SBU) The passage of a new Law on Domestic Violence is certainly a positive step forward in Vietnam's stated policy on respecting and caring for women's rights and issues. However, the unclear definition of responsibilities of state agencies, the lenient forms of punishment, and the lack of infrastructure facilities like shelters and counseling establishments demonstrate that Vietnam still has a long way to go to in preventing domestic violence and helping its victims.

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